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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941,358

08/28/2001

Kwoktung B. Lo

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12/01/2005

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,358

Applicant(s)

LO, KWOKTUNG B.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 21 is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This action is responsive to the amendment filed on September 13, 2004. Claim 21 was amended. Claims 1-21 are pending. Claims 1-21 represent method and apparatus directed toward customer premises equipment auto-configuration.

The old rejection maintained

2. Applicant's arguments with respect to claims 11-20 filed on September 13, 2004 have been fully considered but they are not deemed to be persuasive for the claims 11-20. The rejection is respectfully maintained as set forth in the last Office Action mailed on May 10, 2004.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (U.S. Patent No. 6,636,505).

Wang teaches the invention as claimed including automatically provisioned broadband communication equipment (see abstract).

As to claim 11, Wang teaches customer premises equipment comprising:

A modem chipset configured to send and receive packets (figs. 1-8, col. 5 lines 20-60); an asynchronous transfer mode segmentation and reassembly module coupled to the modem chipset (fig. 13); a memory coupled to the asynchronous transfer mode segmentation and reassembly module, the memory configured to store a plurality of sets of configuration values for the customer premises equipment (col. 6 lines 30-45, col. 7 lines 20-60; col. 8 lines 1-20, Wang discloses that the configuration data is downloaded and stored on the personal computer CPE); and a processor coupled to the memory capable of executing program instructions, the memory including a search module configured to determine which of the plurality of sets of configuration values if any is a correct set off configuration values for establishing communications between the customer premises equipment and the network access device (cols. 6-8, Wang discloses that CPE comprises a personal computer which includes a memory and processor, The application at the client utilizes the processor to map the user profile to correct VCI VPI configuration values).

As to claim 12, Wang teaches the configuration values include VPI and VCI values (cols. 8-14).

As to claim 13, Wang teaches the configuration values include ATM encapsulation types (cols. 8-14).

As to claim 14, Wang teaches the plurality of sets of configuration values is a subset of all possible configuration values (cols. 8-10).

As to claim 15, Wang teaches the plurality of sets of configuration values include configuration values commonly used to establish communications with broadband network access device (cols. 5-8).

As to claim 16, Wang teaches the customer premises equipment is a broadband modem (cols. 8-11).

As to claim 17, Wang teaches the broadband modem is a DSL modem (cols. 5-8).

As to claim 18, Wang teaches the plurality of sets of configuration values is stored into the memory at the time of manufacture of the customer premises equipment (cols. 8-14).

As to claim 19, Wang teaches the search module is configured to select one of the plurality of sets of configuration values and create a discover packet that the modem chipset transmits to a network access device (cols. 8-14).

As to claim 20, Wang teaches the search module is configured to create a discover packet for each of the plurality of sets of configuration values, and the modem chipset is configured to transmit each of the discover packets to the network access device (cols. 7-12).

Allowable Subject Matter

5. Claims 1-10, and 21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach either singly or in combination the claimed limitation of "transmitting a discover packet including a first set of configuration values and waiting for a predetermined time period to transmit a second discover packet including a different set of configuration values if an acknowledgment response is not received during the predetermined time period" as in claims 1-10, and 21.

Response to Arguments

6. Applicant's arguments filed September 13, 2004 have been fully considered but they are not persuasive. In the remarks, the applicant argues in substance that the Wang reference does not disclose what the CPE is comprised of and that there is no memory or processor associated with CPE.

In response, Wang teaches that the CPE is comprised of a personal computer; a personal computer must include a processor and memory (col. 5 lines 20-35). Further, Wang discloses throughout the patent that configuration information is downloaded and stored at the client and that the application at the client searches through the configuration information to match that with the client requirements (cols. 6-8).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

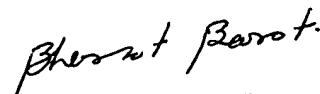
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

November 29, 2005


BHARAT BAROT
PRIMARY EXAMINER